

SENATE BILL REPORT

EHB 1003

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, March 28, 2005

Title: An act relating to the operation of off-road vehicles on roadways.

Brief Description: Allowing off-road vehicles on nonhighway roads.

Sponsors: Representatives Hinkle, B. Sullivan, Curtis, Campbell, Blake, Dunn and Condotta.

Brief History: Passed House: 3/04/05, 90-6.

Committee Activity: Natural Resources, Ocean & Recreation: 3/21/05, 3/28/05 [DPA, w/oRec].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Spanel and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senator Morton.

Staff: Curt Gavigan (786-7437)

Background: It is generally unlawful for a person to operate a vehicle on a public highway without first having a current vehicle license. The licensing requirement does not apply to: motorized foot scooters; electric-assisted bicycles; certain farm vehicles; spray or fertilizer applicator rigs; fork lifts; and construction equipment. Persons operating vehicles on a highway must also comply with lighting and equipment requirements.

It is an infraction for a person to operate a nonhighway vehicle in certain circumstances, including: in a manner which endangers the property of another; on the shoulder of a nonhighway road, or on the median of a divided highway; in violation of the rules of an agency administering lands; and on land not owned by the operator, in a manner that unreasonably exposes the soil to erosion.

A nonhighway vehicle means any motorized vehicle, including an off-road recreational vehicle (ORV), when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

A highway is considered the entire width between the boundary lines of every roadway publicly maintained by the Department of Transportation or by a county or city with funding from the motor vehicle fund. A nonhighway road is considered any road owned or maintained by a public agency or private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used: (1) for construction within the last 25 years; or (2) for maintenance within the last four years.

Summary of Amended Bill: It is lawful to operate an ORV on a nonhighway road and in parking areas designated for ORV operation if the public or private authority responsible for management of the nonhighway road authorizes such use. Where ORV use is authorized by the land manager, ORVs are exempt from licensing requirements and lighting and equipment requirements.

No person under 13 years of age may operate an ORV on or across a highway or nonhighway road. However, those under 13 years of age may operate an ORV on a nonhighway road designated for ORV use under the direct supervision of a person 18 years of age or older with a valid driver's license.

No person may operate or ride an ORV on a nonhighway road without a helmet unless: an ORV is equipped with seat belts and roll bars or has an enclosed passenger compartment; persons are operating an ORV on their own land; or a person is operating an ORV on agricultural lands owned or leased by the operator or the operator's employer.

Nothing in this bill grants any person the right or authority to enter upon private property without permission of the property owner.

Amended Bill Compared to Original Bill: The amendment corrected an internal reference within the bill.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.

Testimony For: This bill provides tools to assist both ORV operators and land managers. ORV riding is growing in popularity, but the places open to ORV riding are limited. Allowing land managers to determine what roads are open to ORV riding would give control to land managers and could increase the available space for ORV operation.

Testimony Against: None.

Who Testified: PRO: Dale Cooper, Northwest Motorcycle Association; Karl Denison, United States Forest Service; Bonnie Bunning, Department of Natural Resources.